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CROSS-REFERENCE TO RELATED APPLICATION

This application claims the benefit of U.S. Provisional Patent Application No. 60/149,986 filed August 20, 1999, where this provisional application is incorporated herein by reference in its entirety.

Avril

In the Claims:

Please amend claims 1-3 and 14 to read as follows:

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1. (Amended) An isolated nucleic acid molecule comprising a polynucleotide selected from the group consisting of:

(a) a polynucleotide encoding a polypeptide comprising from about 1 to about 115 of SEQ ID NO:4;

(b) a polynucleotide encoding a polypeptide comprising from about 2 to about 115 of SEQ ID NO:4;

(c) a polynucleotide complement of the polynucleotide of (a) or (b); and

(d) a polynucleotide at least 90% identical to the polynucleotide of (a) or (b), wherein said polynucleotide encodes a polypeptide that has mitogenic activity.

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2. (Amended) An isolated nucleic acid molecule comprising about 345 contiguous nucleotides from the coding region of SEQ ID NO:3.

3. (Amended) An isolated nucleic acid molecule comprising a polynucleotide encoding a polypeptide having an amino acid sequence from about 1 to about 115 or from about 2 to about 115 of SEQ ID NO:4, wherein said polypeptide has at least one conservative amino acid substitution, at least 90% identity with SEQ ID NO:4, and mitogenic activity.

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14. (Amended) A composition comprising an isolated polynucleotide encoding a polypeptide comprising an amino acid sequence selected from the group consisting of:

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- (a) an amino acid sequence from about 4 to about 50 of SEQ ID NO:4;
- (b) an amino acid sequence from about 9 to about 45 of SEQ ID NO:4; and
- (c) an amino acid sequence at least 86% identical to said amino acid sequence of (a) or (b), wherein said polypeptide has mitogenic activity.

REMARKS

Applicants submit this Amendment in response to the Office Action mailed February 12, 2002. Claims 1-37 are pending in the application. Claims 10-13 and 15-37 have been withdrawn from consideration as being directed to a non-elected invention. Therefore, claims 1-9 and 14 are currently being examined. As set forth above, Applicants hereby submit that claims 1-3, and 14 have been amended. Claims 1, 3, and 14 have been amended to remove non-elected subject matter and to more clearly define the subject matter encompassed by the present invention. Claim 14 has also been written in independent form (*i.e.*, to remove dependency to and incorporate subject matter from non-elected claim 13), and claim 2 has been amended for mere editorial purposes to remove non-elected subject matter. Support for amendments to claims 1, 3 and 14 may be found in the specification, for example, at page 16, lines 9-13, and at pages 38-39, Example 3. No new matter has been added.

Objection to the Specification

The Action indicates that the first line of the specification should be amended to include priority information. As set forth above, Applicants have hereby amended the specification to include the appropriate priority information.

Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 1-9 and 14 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. More specifically, the Action asserts that claims 1-3 are indefinite for